

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:92CR12-2
)
 Plaintiff,)
)
 vs.) MEMORANDUM
) AND ORDER
)
 TRACY N. LOMAX, a/k/a,)
 AHAD HASAN,)
)
 Defendant.)

Upon the concession of the government that the defendant was denied effective assistance of counsel at sentencing regarding whether a separate conviction should have been ordered to be served concurrently¹, and with the agreement of counsel for the defendant that no formal resentencing hearing is required because the defendant will be granted the sole relief he requests without the necessity of such a resentencing hearing,

IT IS ORDERED that:

1. The defendant's section 2255 Motion to Vacate Sentence (filing no. 828) is granted to the extent of the ineffective assistance of counsel claim, but it is otherwise denied.
2. The only relief sought by the defendant is granted. That is, all sentences imposed in the Judgment in this case (filing no. 454) entered on or about October 29, 1993, shall be served concurrently with the sentence imposed in the United States District Court for the District of Oregon in CR92-158-01 (described in ¶ 52 of the

¹I highly commend AUSA John Higgins for his commitment to the interests of justice. I also thank FPD David Stickman for his good work in this matter.

Lomax PSR (filing no. 821)). This relief is retroactive to the date of the original judgment.

3. The Bureau of Prisons is reminded that all sentences imposed in the Judgment in this case (filing no. 454) entered on or about October 29, 1993, shall be served concurrently as stated in said Judgment.

4. The Bureau of Prison is informed that pursuant to Amendment 782 of the Guidelines, the sentences on Counts I, II and VII have been reduced from life to 360 months and the sentences on Counts III, IV and V have been reduced from 480 months to 360 months. (See filing 834.)

5. The Motion to Clarify Sentence (filing no. 815) is denied.

6. A separate judgment will be entered.

7. Kelly Nelson, SUSPO, shall provide the Bureau of Prisons with a copy of the Amended Amendment 782 Order, this Memorandum and Order and the Judgment entered pursuant to this Memorandum and Order. My judicial assistant will provide Mr. Nelson with PDF copies showing the page headers of these filings.

Dated February 19, 2016.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge